

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

YDALE BANKS,)	
)	
PETITIONER,)	
)	
v.)	2:13-cv-2734-SHL
)	
)	
MICHAEL DONAHUE, et al)	
)	
RESPONDENT.)	
)	

**PETITIONER’S MOTION FOR SERVICE OF SUBPOENA BY UNITED STATES
MARSHAL**

COMES NOW the Petitioner, Ydale Banks, by and through his appointed Counsel of Record, Alexander C. Wharton, and moves this Honorable Court, pursuant to Rule 45 of the Federal Rules of Civil Procedure, to order the United States Marshal to serve a Subpoena to Produce Documents to the Mail Room Supervisor of Hardeman County Correctional Facility in Whiteville, Tennessee. In support of this Motion, Petitioner, through the undersigned counsel, shows that the documents being requested are of extreme importance to Petitioner’s request for equitable tolling in the underlying matter, which is set for hearing on July 30, 2015 at 2:00 p.m. before this Honorable Court. Pursuant to Fed. R. Civ. P. 45(a)(4), the undersigned counsel has notified counsel for the Respondent in this matter via ECF filing and has attached the proposed Subpoena as an Exhibit to this Motion.

RESPECTFULLY SUBMITTED,

s/Alexander C. Wharton

Alexander C. Wharton, #026937

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Motion for Service of Subpoena by United States Marshal was forwarded by electronic means via the Court's electronic filing system to the Shannon Poindexter, Assistant Attorney General for the State of Tennessee, this the 1st day of July, 2015.

s/Alexander C. Wharton